

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CAREER COLLEGES & SCHOOLS OF
TEXAS,

Plaintiff,

v..

U.S. DEPARTMENT OF EDUCATION,
et al.,

Defendants.

Case No. 4:23-cv-206-P

DEFENDANTS' MOTION TO DISMISS OR TRANSFER

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a), Defendants hereby move to dismiss this case because the Northern District of Texas is not an appropriate venue for Plaintiff's claims. In the alternative, Defendants move for an order transferring this case to the United States District Court for the District of Columbia or to the Austin Division of the Western District of Texas, pursuant to 28 U.S.C. § 1406(a) or (if the Court finds appropriate) 28 U.S.C. § 1404(a).

Dated: March 17, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant
Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ Cody T. Knapp
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that, on March 13, 2023, counsel for Defendants contacted counsel for Plaintiff to obtain Plaintiff's position on a motion to transfer this case to the District of Columbia or to the Western District of Texas. I further certify that, on March 15, 2023, counsel for Plaintiff reported Plaintiff's position as follows: "we do not consent to a motion along the lines that you describe." The following attorneys were parties to these communications:

For Plaintiff: Michael Murray; Allyson Baker; Sameer P. Sheikh.

For Defendants: R. Charlie Merritt; Cody T. Knapp; Christine L. Coogle.

/s/ Cody T. Knapp
CODY T. KNAPP